

AMENDED IN SENATE JUNE 28, 2005

AMENDED IN SENATE MAY 24, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 787**

**Introduced by Assembly Member DeVore**  
**(Coauthors: Assembly Members *Bogh, Cogdill, Garcia, Shirley Horton, Houston, Huff, La Suer, Maze, Mountjoy, Plescia, and Sharon Runner*)**  
*(Coauthors: Senators Alquist, Cox, and Dutton)*

February 18, 2005

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An act to ~~add Section 538h to~~ *amend Section 532b of* the Penal Code, relating to crime.

### LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, DeVore. ~~Veterans Crime: impersonating a veteran; crime.~~

~~Existing law provides that any person is guilty of a misdemeanor if he or she willfully wears, exhibits, or uses, as provided, the authorized badge, photographic identification card, or insignia of, among other persons, a peace officer, an officer or member of a fire department, or a deputy state fire marshal, with the intent of fraudulently personating a peace officer, an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he or she is a peace officer, an officer or member of a fire department or the Office of the State Fire Marshal.~~

~~This bill would additionally provide that any person who willfully wears, exhibits, or uses, as provided, the authorized badge,~~

~~photographic identification card, insignia, award, or decoration of, or willfully presents himself or herself as, a veteran or an active duty or reserve member of the Armed Forces of the United States, the National Guard, the State Military Reserve, or the Naval Militia, with the intent of fraudulently personating an active or retired veteran of the Armed Forces of the United States, or of fraudulently inducing the belief that he or she is a veteran or an active duty or reserve member of the Armed Forces of the United States, the National Guard, the State Military Reserve, or the Naval Militia, or with the intent to defraud for the purpose of personal gain or to facilitate any unlawful activity, is guilty of misdemeanor.~~

*Under existing law, any person who represents himself as a veteran or ex-serviceman of any war in which the United States was engaged in connection with the soliciting of aid or the sale or attempted sale of any property, is guilty of a misdemeanor.*

*This bill would also make it a misdemeanor for a person to falsely claim to be, or present himself or herself to be a veteran member of the armed forces of the United States, with the intent to defraud. The bill would not apply to face-to-face solicitations involving less than \$10.*

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 532b of the Penal Code is amended to  
2     read:

3     532b. (a) Any person who ~~shall~~ ~~falsely represent~~ *represents*  
4     himself or herself as a veteran or ex-serviceman of any war in  
5     which the United States was engaged, in connection with the  
6     soliciting of aid or the sale or attempted sale of any property ~~shall~~  
7     be, is guilty of a misdemeanor.

1     ***(b) Any person who falsely claims, or presents himself or***  
2     ***herself, to be a veteran or member of the armed forces of the***  
3     ***United States, with the intent to defraud, is guilty of a***  
4     ***misdemeanor.***

5     ***(c) This section does not apply to face-to-face solicitations***  
6     ***involving less than ten dollars (\$10).***

7     ~~SECTION 1. Section 538h is added to the Penal Code, to~~  
8     ~~read:~~

9     ~~538h. (a) Any person who willfully wears, exhibits, or uses~~  
10    ~~the authorized badge, photographic identification card, insignia,~~  
11    ~~award, or decoration of, or who willfully presents himself or~~  
12    ~~herself as, a veteran or an active duty or reserve member of the~~  
13    ~~Armed Forces of the United States, the National Guard, the State~~  
14    ~~Military Reserve, or the Naval Militia, with the intent of~~  
15    ~~fraudulently personating a veteran or active duty or reserve~~  
16    ~~member of the Armed Forces of the United States, the National~~  
17    ~~Guard, the State Military Reserve, or the Naval Militia, or of~~  
18    ~~fraudulently inducing the belief that he or she is a veteran or an~~  
19    ~~active duty or reserve member of the Armed Forces of the United~~  
20    ~~States, the National Guard, the State Military Reserve, or the~~  
21    ~~Naval Militia, or with the intent to defraud for the purpose of~~  
22    ~~personal gain or to facilitate any unlawful activity, shall be guilty~~  
23    ~~of a misdemeanor.~~

24    SEC. 2. No reimbursement is required by this act pursuant to  
25    Section 6 of Article XIII B of the California Constitution because  
26    the only costs that may be incurred by a local agency or school  
27    district will be incurred because this act creates a new crime or  
28    infraction, eliminates a crime or infraction, or changes the  
29    penalty for a crime or infraction, within the meaning of Section  
30    17556 of the Government Code, or changes the definition of a  
31    crime within the meaning of Section 6 of Article XIII B of the  
32    California Constitution.